IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 34503 of 2006(G)

PETITIONER:

C.M. RASHEED, PROPRIETOR,
HOTEL SAHIM, MADAVA PHARMACY JUNCTION,
BANERJI ROAD, ERNAKULAM.

BY ADV. SRI.K.R.KURUP
SRI.C.R.SYAMKUMAR
SRI.K.J.ABRAHAM
SRI.LAVARAJ M.G.
SRI.C.R.VINOD KUMAR

RESPONDENTS:

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1. STATE BANK OF INDIA,
BROADWAY BRANCH, ERNAKULAM,
REPRESENTED BY ITS CHIEF MANAGER.

2. THE TAHASILDAR (REVENUE RECOVERY)
KANAYANOOR TALUK, ERNAKULAM DISTRICT.

3. THE ERNAKULAM DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM.

BY ADV. SRI.K.JAYAKUMAR - SC
SRI.P.B.KRISHNAN
SRI.P.V.SURENDRANATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 34503/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE DATED 12/12/2006

EXT.P2(a) COPY OF THE RECEIPT DATED 12/09/2006.

EXT.P2(b) COPY OF THE RECEIPT DATED 19/09/2006.

EXT.P2(c) COPY OF THE RECEIPT DATED 06/12/2006.

EXT.P3 COPY OF THE NOTICE DATED 15/12/2006.

EXT.P4 COPY OF THE LETTER DATED 08/11/2006.

RESPONDENT'S EXHIBITS

EXT.R1(a) COPY OF THE LETTER DATED 15/12/2006 ADDRESSED TO THE PETITIONER REQUESTING TO VACATE THE PROPERTY AND HAND OVER VACANT POSSESSION OF THE PROPERTY TO THE AUTHORIZED OFFICER OF THE BANK WITHIN 7 DAYS.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, JUDGE

WP(C) No. 34503 of 2006

Dated this the 5th day of January, 2006

J U D G M E N T

Heard the learned counsel for the petitioner and the Standing Counsel appearing for the Bank.

2. Since the counsel for the petitioner undertakes that the petitioner will clear the arrears on or before 17th of this month,, i.e. one day prior to the date fixed for sale, this writ petition is disposed of with a direction to the respondent Bank, not to take over possession till 17/01/2007. However, if the petitioner fails to pay the arrears on or before 2 p.m. on 17/01/2007, there will be a direction to the petitioner to hand over the building free of possession to the Bank, failing which the Bank can move for contempt of court.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg